

REMARKS

Claims 1-14 have been amended. Claims 1-14 remain for further consideration.

The amendments to the claims have been made in order to change “said” to “the”, and “wherein” to “where”.

The rejections shall be taken up in the order presented in the Official Action.

1. Claims 1, 6-10 and 12 currently stand rejected for allegedly being anticipated by the subject matter disclosed in U.S. Patent 6,188,447 to Rudolph *et al.* (hereinafter “Rudolph”).

Claim 1

Claim 1 is directed to a method for operating a radio reception system that includes a plurality of receivers assigned to a common output device, in which one of the receivers is designated as an audio receiver and is tuned to a frequency of a radio transmitter and outputs a signal received from the transmitter to the output device, and another of the receivers is designated as a search receiver. The method includes the step of “tuning the audio receiver to the frequency signal value if the measure of the signal strength of the frequency signal value is better than the measure of the signal strength associated with the current signal received by the audio receiver;”. (cl. 1).

The Official Action cites to col. 3, lines 61-62 of Rudolph in sort of the contention that Rudolph discloses the claimed feature of tuning. However, a fair and proper reading of Rudolph reveals that col. 3, lines 61-62 of Rudolph merely discloses that the main receiver 2 of FIG. 1 is switched to a new frequency. Significantly, FIG. 1 discloses a television receiver – not an audio receiver as recited in claim 1. As known a 35 U.S.C. §102 rejection requires that a single reference disclose each feature of the claimed invention. The contention in the Official Action

that FIG. 1 discloses an audio receiver is incorrect, since FIG. 1 clearly discloses a television receiver, and thus Rudolph is incapable of anticipating the subject matter recited in claim 1.

Claim 6

Claim 6 is an independent claim that recites a system that includes "*a first receiver that is tuned to receive a signal from a certain transmitter and provide a received signal indicative thereof and a first quality signal indicative of the signal strength of the received signal*" (emphasis added, cl. 6). The Official Actions contends that Rudolph discloses the claimed method; specifically, at col. 3, lines 35-36 and lines 38-45. (see Official Action, pg. 5). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Rudolph reveals that nowhere in Rudolph, and particularly at the cited location of col. 3, lines 35-36 and lines 38-45, is there explicit or implicit disclosure regarding the provision of a quality signal. The plain wording of Rudolph, at col. 3, lines 35-36 and lines 38-45, teaches merely that two receivers 2, 5 are provided whose inputs are connected to a hybrid circuit 18 that is connected to an antenna 1. There is no discussion, express or implied, at those two locations within Rudolph of a quality signal being provided. Thus, it is submitted that the teaching of Rudolph cannot be interpreted in any way to disclose the claimed system including a first receiver that provides a first quality signal indicative of the signal strength of the received signal.

Further, the system of claim 6 recites the limitation "where the first receiver compares the first quality signal and the second quality signal, and tunes to the frequency signal value if the second quality signal indicates a better signal quality than the first quality signal" (emphasis added, cl. 6). The Official Action contends that Rudolph discloses the claimed system;

specifically, at col. 3, lines 59-67. (see Official Action, pg. 5). It is respectfully submitted that this rejection is improper.

A fair and proper reading of Rudolph reveals that nowhere in Rudolph, and particularly at the cited location of col. 3, lines 59-67, is there explicit or implicit disclosure regarding the provision of first and second quality signals from the first and second receivers, respectfully. Nor is there any disclosure in Rudolph of use of the first receiver to compare the first and second quality signals, then the first receiver tuning to the frequency signal value if the second quality signal indicates a better signal quality than the first quality signal. The plain wording of Rudolph, at the cited location (and also through to col. 4, line 3), teaches use of a control circuit 7, which is separate and apart from the receivers 2, 5, for making a determination of reception quality and then switching the main receiver 2 over to the new frequency of the reference transmitter connected to the second receiver 5 if that frequency is of better quality than what is currently on the main receiver 2. Also, there is no express or implied teaching in Rudolph of the use of separate quality signals, as in the claimed system. Thus, it is submitted that the teaching of Rudolph cannot be interpreted in any way to disclose the claimed system including the use of first and second quality signals and the use of the first receiver comparing those signals and tuning to the respective better quality signal.

The Official Action contends that Rudolph discloses a quality signal (see Official Action, pg. 5). However, assuming for the moment without admitting as much, claim 6 recites the feature that the first receiver compares the first and second quality signals. Rudolph neither discloses nor suggests such a feature.

In addition, the Official Action relies upon the alleged teachings of FIG. 1 of Rudolph to contend that the subject matter of claim 6 is anticipated. However, a fair and proper reading of

Rudolph reveals that FIG. 1 and the cited portions of Rudolph merely disclose a TV receiver – NOT an audio receiver as recited in claim 6. See FIG. 1 which shows the signal being provided to a monitor – as known, a monitor only has video capabilities.

For at least any of the foregoing reasons, it is respectfully submitted that Rudolph is incapable of anticipating the subject matter of claim 6.

3. Claims 2-5, 11, 13-14 currently stand rejected as allegedly being obvious in view of the combined subject matter disclosed in Rudolph and U.S. Patent 5,548,836 to Taromaru et al (hereinafter “Taromaru”).

It is respectfully submitted that the rejection of these dependent claims is moot, since their associated independent claim, either claim 1 or claim 6, is patentable for at least the reasons set forth in paragraphs above.

For all the foregoing reasons, reconsideration and allowance of claims 1-14 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea
Reg. No. 35,305
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100, Ext. 102